

**AFFIDAVIT OF SPECIAL AGENT JOHN FORTE IN SUPPORT OF A
COMPLAINT AND WARRANT FOR THE ARREST OF:**

WILLIAM GUERRERO


I, Special Agent John Forte, being first duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and have been so employed since 2002. I am currently assigned to the ATF Boston Field Division, Manchester, New Hampshire Field Office, and charged with investigating criminal offenses involving the federal firearms, explosives, arson, alcohol, and tobacco diversion laws.

2. I have received extensive training in the federal firearms laws and am familiar with ATF's regulations regarding the purchase and sales of firearms. I have successfully completed the Criminal Investigations Training Program and the ATF New Professional Training (NPT) at the Federal Law Enforcement Training Center in Glynco, GA. During the NPT program, I learned how to investigate criminal offenses involving the federal firearms, explosives, arson, alcohol, and tobacco diversion laws. I have received advanced training with regard to conducting complex firearms trafficking investigations. I have participated in dozens of investigations relating to the illegal acquisition and sales of firearms, the illegal manufacture and possession of National Firearms Act weapons and previously have sworn out numerous affidavits in support of search warrants and arrest warrants in firearms cases. I have been certified as an Interstate Nexus Expert, that is, an expert in establishing whether particular firearms or ammunition have traveled in interstate commerce thereby satisfying the interstate

commerce element of many federal firearms crimes.

3. I am submitting this affidavit in support of a criminal complaint, and accompanying arrest warrant, for William Guerrero (“GUERRERO”) for conspiracy to steal firearm(s) from a Federal Firearms Licensee, in violation of 18 U.S.C. §§ 371 and 992(u).

4. Since this affidavit is being submitted for the limited purpose of obtaining a criminal complaint, I have not included each and every fact known to me concerning this investigation. However, I have set forth all relevant material information I am aware of and the facts that I believe are necessary to establish probable cause to believe that GUERRERO committed the charged offenses.

STATUTORY AUTHORITY

5. This investigation concerns an alleged violation of 18 U.S.C. §§ 371 and 992(u). Title 18, United States Code, section 922(u) states that “[i]t shall be unlawful for a person to steal or unlawfully take or carry away from the person or premises of a person who is licensed to engage in the business of importing, manufacturing or dealing in firearms, any firearm in the licensee’s business inventory that has been shipped or transported in interstate or foreign commerce.” Title 18, United States Code, Section 371 prohibits two or more people from conspiring to commit any offense against the United States.

PROBABLE CAUSE

6. The information in this affidavit is based upon my personal knowledge and experience as well as information provided to me by other members of law enforcement and witnesses.

ATTEMPTED BURGLARY OF NEXT LEVEL FIREARMS

7. On January 22, 2022, at approximately 3:49 a.m., a dark colored sedan turned right into the shopping plaza at 254 N. Broadway, Salem, New Hampshire, from NH Route 28 Northbound (Rockingham Road). The vehicle backed into a parking spot in front of federal firearms licensee (“FFL”) Next Level Firearms located at suite #107. A view of the rear license plate gave a partial registration which began with “2” and ended in “86” and was believed to be a possible Massachusetts license plate. The suspect vehicle then pulled forward and backed into a parking spot closer to the front door of the FFL and partially off of camera view.

8. At approximately 03:50 a.m., a passenger (FNU LNU1) appeared to exit the right front passenger door. LNU1 appeared to be an average build, possibly Hispanic male, wearing a black hooded sweatshirt, black sweatpants and white, unlaced hightop sneakers. LNU1 wore a dark face covering, covered by the hood of his sweatshirt, blue surgical-style gloves, and appeared to hold a hammer in his right hand as he approached the FFL front door. LNU1 would later use the hammer to smash the glass of the front door of the FFL.

9. At approximately 03:50 a.m., a second suspect (FNU LNU2) appeared into camera view. It is presumed LNU2 exited the driver’s side of the vehicle, as no other vehicles were observed in the parking lot. It was unknown if LNU2 was the operator or rear driver’s side passenger of the suspect vehicle. LNU2 appeared to be an average build, possibly Hispanic male, wearing a dark gray hooded sweatshirt, black sweatpants and gray sneakers with black soles. LNU2 wore a dark face covering, covered by the hood of his sweatshirt, blue surgical-style gloves, and appeared to hold a hammer in his

right hand. LNU1 broke the glass of the front door of the FFL and LNU2 entered the FFL first, followed by LNU1.

10. A third suspect (FNU LNU3) appeared into camera view. It is presumed LNU3 exited the driver's side of the vehicle, as no other vehicles were observed in the parking lot. It was unknown if LNU3 was the operator or rear driver's side passenger of the suspect vehicle. There were no further indications of additional suspects inside of the vehicle. LNU3 appeared to be an average build male, wearing a black hooded sweatshirt, black pants with visible lighter-color fabric visible at the waistline, and black shoes. LNU3 wore a dark colored face covering, covered by the hood of his sweatshirt, blue surgical-style gloves and carried what appeared to be numerous bags. LNU3 entered into the FFL through the front door as well.

11. Although all suspects wore masks, they are all presumed to be male based upon gait and stature. Once inside of the store, LNU1 and LNU2 went off camera view to the left camera side, where a glass door to a lounge was later found smashed. It was suspected LNU1 and/or LNU2 utilized the hammers they held to smash the glass.

12. Inside of the FFL there was a metal grate from wall to wall and floor to ceiling. This grate separated the lobby area seen on camera view from the store display cases containing firearms, therefore the suspects were unable to access the firearms within the store. The suspects briefly looked around the lobby at boxes of firearms accessories and then exited the FFL at 03:51:03 a.m. The suspects were inside of the store for less than one minute.

13. LNU2 exited the store first and ran to the driver's side of the suspect vehicle. LNU3 exited the store second and ran to the driver's side of the suspect vehicle.

It could not be determined where LNU2 or LNU3 were seated inside of the suspect vehicle due to being out of camera view.

14. LNU1 exited the store last and entered into the front passenger's door of the suspect vehicle.

15. At approximately 03:51 a.m., the suspect vehicle displayed brake lights, which indicated that one of the suspects who entered the store was also the operator of the suspect vehicle and no additional suspects were waiting inside of the vehicle.

16. At 03:51 a.m., the suspect vehicle drove away from the FFL and turned left onto NH Route 28 Southbound and out of view.

ATTEMPTED BURGLARY OF STATELINE FIREARMS

17. On that same day at approximately 4:10 a.m., what I believe to be the same three male suspects from the Next Level Firearms attempted burglary, attempted to break into Stateline Guns Ammo & Archery, an FFL located at 153 Plaistow Road in Plaistow, New Hampshire. Surveillance video shows that two of the suspects used hammers on the padlocks to the rollup security gate covering the front entrance doors but were unsuccessful in dislodging them. The same two suspects then used their hammers to break a front glass window, but were unsuccessful in gaining entry due to the metal bars secured to the inside of the window frame. The suspects arrived in what appeared to be a small, dark colored sedan. Two of the suspects also had bags matching those carried by the suspects at the Next Level Firearms attempted burglary earlier that morning. No entry was made into the building and no firearms were stolen. The suspects were present at, or in the area of, Stateline Guns Ammo & Archery for approximately eleven minutes.

18. Stateline Guns Ammo & Archery is located approximately thirteen miles

from Next Level Firearms and would take approximately twenty-one to twenty-three minutes to drive between the store by car depending on the route taken (according to Apple Maps App).

ATTEMPTED BURGLARY OF COSTA ARMS

19. Later that same day, employees from Costa Arms, a FFL, located at 15 Church Street in Kingston, New Hampshire, reported to Kingston Police that when they arrived for work that morning they noted that unknown suspect(s) had attempted to gain access to the premises by ramming open a fence gate at the side of the business, presumably with a vehicle, to gain access to the rear area of the business. It was also noted that there was damage to a rear entrance doorknob consistent with someone trying to gain entry who did not have access. No entry was made into the building and no firearms were stolen. It was later determined that no security video of the event was captured and the timeframe could only be narrowed to between approximately 6:00 PM on January 21, 2022, and approximately 9:00 AM on January 22, 2022 based upon the arrival and departure time of the store employees. However, as will be discussed herein, the suspect vehicle sustained damage at some point between the previous two attempted burglaries and January 23, 2022. Video surveillance of the vehicle at Stateline Guns Ammo & Archery and Next Level Firearms shows that the vehicle has not sustained damage consistent with ramming the fence. Therefore, I believe that the attempted burglary of Costa Arms likely happened after the previous two attempts.

20. According to a review of the distance and time required to travel between Stateline Guns Ammo & Archery and Costa Arms, they are approximately seven to nine miles apart and travel time between the two would take approximately twelve to

seventeen minutes.

ATTEMPTED BURGLARY OF SHOOTERS OUTPOST

21. On January 23, 2022, at 05:01 a.m., a dark sedan pulled into the front of Shooters Outpost, a firearms dealer located at 1158 Hooksett Road, Hooksett New Hampshire, backed into a parking spot in the front of the store, while occupants from the vehicle walked around the store.

22. At 05:13 a.m., the suspect vehicle, drove into the rear parking lot and backed up to the rear loading dock and employee door. Four males were captured on video surveillance attempting to gain entry into the store via smashing a window by the rear door, but were unable to gain access into the store. Surveillance video allowed agents to partially identify a plate and an ATF agent believed it began with 25 and ended with 86, though the video is hard to make out.

23. At 05:17 a.m., the vehicle fled the scene and traveled in an unknown direction, not captured on video surveillance.

24. The suspect vehicle and three of the four suspects matched the description and/or wore similar clothing from the attempted burglaries that transpired the day before on January 22, 2022, in Salem, Plaistow and Kingston, New Hampshire. The rear passenger was wearing white unlaced hightop shoes, a black hooded sweatshirt and black sweatpants consistent with the style of clothing worn by LNU1 at the Next Level Firearms and Stateline Guns Ammo & Archery attempted burglaries the day before. Another suspect wore a black hooded Champion brand sweatshirt, black sweatpants and what appeared to be the same two-toned shoes worn by LNU2 at the Next Level Firearms and Stateline Guns Ammo & Archery attempted burglaries the day before. A third

suspect wore a black hooded sweatshirt, black pants and black shoes with a lighter colored fabric undergarment consistent with the style of clothing worn by LNU3 at the Next Level Firearms and Stateline Guns Ammo & Archery attempted burglaries the day before. The driver of the suspect vehicle, later identified as GUERRERO, appeared to be wearing camouflage pattern hooded sweatshirt and sweatpants.

WITNESS CONTACT WITH ATTEMPTED BURGARY SUSPECTS

25. On January 23, 2022, at approximately 06:30 a.m., business owner, Thomas Saad, of Tree Line Property Services, located at 92 Rockingham Road, Derry, New Hampshire, encountered the suspect vehicle in the business parking lot occupied by what he described as three to four light-skinned African-American or Hispanic males in their late teens to early 20s. Mr. Saad took a photo of the suspect vehicle, which was observed to have damage to the front left portion of the bumper. The damage was consistent with the damage that could have been sustained from ramming a locked gate at the attempted burglary at Costa Arms in Kingston, New Hampshire on January 22, 2022. The vehicle bore Massachusetts license plate 2SFW86.¹

26. In reviewing the photograph taken by Mr. Saad, the operator of the suspect vehicle can be observed wearing a camo-style hooded jacket/sweatshirt that was similar to that observed worn by the operator of the suspect vehicle on video surveillance at Shooters Outpost earlier that morning.

¹ I believe this is consistent with the plates observed on surveillance footage. Although one agent believed the plate began 25, I believe that he mistakenly read the S as a 5.



27. On that same day, ATF S/A John Cook met with the witness, Thomas Saad, who had spoken to the suspects when he arrived at work that morning. S/A Cook viewed the video surveillance and noted that the suspect vehicle arrived at Tree Line Property Service at approximately 6:13 a.m.. S/A Cook further noted that a suspect exited the vehicle at approximately 6:15 a.m. and walked in the direction of the B&H Oil Co., a gas station and convenience store located at 36 S Main Street in Derry, New Hampshire. That suspect was wearing what appeared to be a camouflage pattern jacket. The vehicle stayed at the Tree Line Property Services until the suspect in the camouflage pattern jacket returned at approximately 6:25 a.m. The vehicle stayed at the Tree Line

Property Services until approximately 6:31 a.m. when Mr. Saad arrived prompting the suspects and suspect vehicle to leave.

REVIEW OF VIDEO SURVEILLANCE FROM B&H OIL CO.

28. On January 23, 2022, S/A Patrick Dawley went to B&H Oil Co., to review their security video footage from earlier that morning. The suspect arrived at 6:17 a.m. wearing the same (later determined to be Nike brand) camouflage pattern hooded sweatshirt and sweatpants as the operator of the suspect vehicle at Shooter Outpost earlier that morning and also present at Tree Line Property Service shortly before. The suspect purchased a gallon of water and a quantity of gasoline with cash. The suspect then walked out to the parking lot, took a drink of water from the gallon water jug he purchased, and poured it out on the ground. The suspect then used the empty gallon jug of the water it originally contained. The suspect subsequently put gasoline into the empty gallon water jug. The suspect then walked back in the direction of Tree Line Property Service. The suspect left B&H Oil Co. at approximately 6:24 a.m.

STOLEN VEHICLE INFORMATION

29. Based on information received from a NH SPOTS BOLO, ATF became aware the MA LP# 2SFW86 had been reported stolen out of Boston on January 8, 2022. ATF contacted Boston Police Department to request a copy of the initial stolen car report.

30. Boston Police Teletype Unit faxed a copy of Boston Police Department Incident Report # 222001641. The report lists the victim as Mariana Carla Santana De Moura. Ms. De Moura reported her vehicle stolen from a Burger King located at 210 Brighton Avenue, Brighton, MA 02134. The report indicated that the vehicle was a

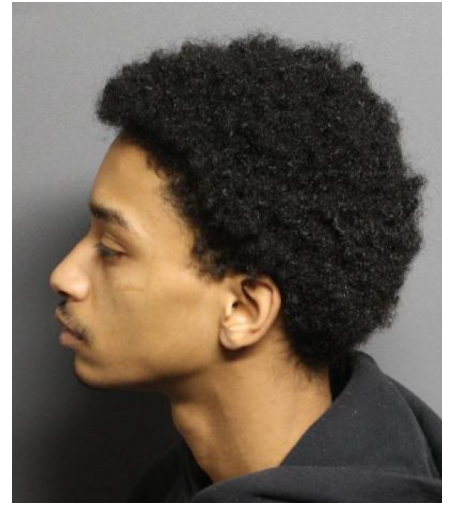
brown colored, 2013 Honda Civic four door sedan bearing Massachusetts license plate 2SFW86. The report further indicated that the victim went to the Burger King on January 8, 2022, and left her vehicle running outside. According to the report, at approximately 6:40 p.m., it is believed that three young African-American males sitting by the door stole the vehicle while the victim was inside the Burger King.

31. Boston Police advised they have not obtained or reviewed the video surveillance of the vehicle theft to identify the suspects or confirm whether the three suspected young African-American males stole the 2013 Honda Civic bearing Massachusetts license plate 2SFW86.

IDENTIFICATION OF WILLIAM GUERRERO

32. On or about January 23, 2022, ATF agents sent a screen capture of the male wearing the camouflage jacket from the surveillance video from B&H Oil Company to various law enforcement agencies. A Boston Police officer positively identified the suspect as William Guerrero, who he arrested previously and was very familiar with. Guerrero's residence is approximately a mile from the Burger King discussed herein.

33. I reviewed a photograph of the suspect at B&H Oil Co. wearing the camouflage pattern outfit and compared it to the Massachusetts driver's license photograph for William GUERRERO (DOB [REDACTED], License # [REDACTED]) and a booking photograph obtained from the Boston, Massachusetts Police Department for William GUERRERO (DOB [REDACTED]) for an arrest on or about March 4, 2020. I believe they are the same individual based upon facial structure and distinctive characteristics, including but not limited to, a scar on the upper left cheek.



CONCLUSION

34. Based on the above information, it is my conclusion that there is probable cause to believe, that on or about January 23, 2022, in the District of New Hampshire, GUERRERO did conspire steal firearm(s) from a Federal Firearms Licensee, in violation of 18 U.S.C. §§ 371 and 992(u). I, therefore, respectfully request that this Honorable Court issue a warrant for the arrest of William Guerrero.

Respectfully submitted,

/s/ John Forte

John Forte
Special Agent, ATF

The affiant appeared before me by telephonic conference on this date pursuant to Fed. R. Crim. P. 4.1 and affirmed under oath the content of this affidavit and application.

Date: 1/24/2022

Time: 3:25 p.m.

/s/ Andrea K. Johnstone

Hon. Andrea K. Johnstone
United States Magistrate Judge

